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Attorneys for Defendant
ALEXA INTERNET, INC.; NIAL
O'DRISCOLL,

E-FILED - 11/18/08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GIRAFA.COM, INC.,

Plaintiff,

v.

ALEXA INTERNET, INC.; NIAL
O'DRISCOLL,

Defendants.

Case No.: 08-2745 RMW (RS)

**STIPULATION AND []
ORDER FOR ATTORNEYS FEES AND
COSTS PURSUANT TO CAL. CODE OF
CIVIL PROCEDURE § 425.16(c)**

Stipulation and Order For
Attorneys Fees and Costs
08-2745 RMW (RS)

1 On October 6, 2008 the Court filed its Order Granting Defendants' Motion to Stay; Denying
2 Defendants' Motion to Dismiss or Transfer; and Granting Motions to Dismiss and Strike Plaintiff's
3 Third Claim. In light of the Court granting Defendants' Motion to Strike Plaintiff's Third Claim (the
4 "Motion to Strike"), Defendants on October 17, 2008 filed Defendants' Motion for Attorneys' Fees
5 and Costs Pursuant to California Code of Civil Procedure Section 425.16(c) (the "Motion for
6 Attorneys' Fees and Costs"), seeking their fees and costs for bringing the Motion to Strike and the
7 Motion to for Attorneys' Fees and Costs.

8 Through undersigned counsel, Plaintiff and Defendants hereby stipulate and agree:

- 9 (1) Within fourteen days of entry of the Order on this Stipulation, Plaintiff will pay
10 Defendants the total sum of \$16,000 in full satisfaction of all attorneys' fees, costs and
11 expenses to which Defendants are entitled pursuant to § 425.16(c) for the Motion to
12 Strike and the Motion for Attorneys' Fees and Costs; and
13 (2) The Motion for Attorneys' Fees and Costs, presently scheduled for hearing on
14 November 21, 2008 may be taken off calendar.

15
16 DATED: October 31, 2008

SUGHRUE MION, PLLC

17
18 By: /s/ John B. Scherling
19 John B. Scherling

20 Attorneys for Plaintiff
21 GIRAFA.COM, INC.

22 DATED: October 31, 2008

DLA PIPER US LLP

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24 By: /s/ Elizabeth Day (by consent)
Elizabeth Day

25 Attorneys for Defendant
26 ALEXA INTERNET, INC.

ECF CERTIFICATION

Pursuant to General Order No. 45, § X.B, the filing attorney attests that the content of this document is acceptable to all persons required to sign this document.

ORDER

This Stipulation and Order is hereby adopted by the Court. Defendants are awarded the total sum of \$16,000 in full satisfaction of all attorneys' fees, costs and expenses to which Defendants are entitled pursuant to § 425.16(c) for the Motion to Strike and the Motion for Attorneys' Fees and Costs, with payment to be made within fourteen days of the entry of this Order.

The Court hereby vacates the hearing date of November 21, 2008 on the Motion for Attorneys' Fees and Costs.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/18/08



Honorable Ronald M. Whyte
UNITED STATES DISTRICT JUDGE